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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,644	02/19/2002	Alain Bouchard	8540-GDM	5294
20349	7590	09/22/2004	EXAMINER	
POLAROID CORPORATION PATENT DEPARTMENT 1265 MAIN STREET WALTHAM, MA 02451			TRAN, HUAN HUU	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/078,644	Applicant(s) BOUCHARD ET AL.	
	Examiner Huan H. Tran	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) 1-16, 24-39, 47-62 and 70-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17, 19-22, 40, 42-45, 63, 65-68, 86 and 88-91 is/are rejected.
- 7) ☒ Claim(s) 18, 23, 41, 46, 64, 69, 87 and 92 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/17/02; 02/19/02</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species (ii) in the reply filed on 11/03/03 is acknowledged. The traversal is on the ground(s) that the species are closely related. This is not found persuasive because the claimed species have mutually exclusive characteristics.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-16, 24-39, 47-62, 70-85 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/03/03.

Claims 17, 18, 20-23, 40, 41, 43-46, 63-69 and 86-92 are said to be readable on the elected species. In addition, it is requested that claims 19 and 42 should be part of the elected species (ii) because they are dependent upon claims which are readable on the elected species.

Claim Objections

3. Claim 17 is objected to because of the following informalities:
Claim 17, "method" (page 37, line 16) should be changed to -system--.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 19/18, 42/41, 65/64, 88/87 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19/18 is indefinite regarding the limitation "wherein said plurality of dots are regularly positioned in both of said dimensions thereby providing regular superimposed dot patterns". This limitation is in conflict with the limitation recited in the wherein clause recited in claim 18.

Claim 42/41 is indefinite regarding the limitation recited in the wherein clause. This wherein clause is in conflict with the wherein clause recited in claim 41.

Claim 65/64 is indefinite regarding the limitation "wherein said plurality of dots are regularly positioned in both of said dimensions thereby providing regular superimposed dot patterns". This limitation is in conflict with the limitation recited in the wherein clause recited in claim 64.

Claim 88/87 is indefinite regarding the limitation recited in the wherein clause. This wherein clause is in conflict with the wherein clause recited in claim 87.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 17, 20, 22, 40, 43, 45, 63, 66, 68, 86, 89, 91 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yoshida et al. (US Patent 6005596).

With reference to Fig. 1 and the detailed description thereof, Yoshida et al. discloses a system for enhancing a color image as perceived by a human viewer, said image being composed of a plurality of superimposed dot patterns (see the upper portion of the figure) upon a portion of a movable curved surface having two orthogonal spatial dimensions and having curvature in only one of said dimensions (see Fig. 4; col. 7, lines 25-67), each one of said patterns being monochromatic and different in color from color of each other of said patterns (see Fig. 1), said method comprising:

means for intentionally misregistering (see Fig. 6 and the description at Col. 9; line 52 to col. 12, line 35) at least one of said dot patterns with respect to at least one of said other of said patterns in directions only parallel to and perpendicular to said direction of motion to obtain a pattern misregistration (see Fig. 1, the patterns for yellow and cyan are misregistered with respect to the dot patterns of magenta and black); and

means for controlling said pattern misregistration (see Fig. 6 and the description at Col. 9, line 52 to col. 12, line 35) to obtain a particular misregistration having the property of said enhancing said color image (e.g. to suppress the occurrence of color moiré) while said particular misregistration is not perceptible to said viewer.

As to claim 21, Yoshida et al. teaches a cylindrical curved surface (the surface of platen 10 in Fig. 4)

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As to claim 20, Yoshida et al. teaches enhancing color uniformity of the image as perceived by a human viewer by intentionally misregistering the dot patterns.

As to claim 40, Yoshida et al. discloses apparatus for enhancing a color image as perceived by a human viewer, said image being composed of a plurality of superimposed dot patterns (see the upper portion of the figure) upon a portion of a movable curved surface having two orthogonal spatial dimensions and having curvature in only one of said dimensions (see Fig. 4; col. 7, lines 25-67), each one of said patterns being monochromatic and different in color from color of each other of said patterns (see Fig. 1), said method comprising:

apparatus for intentionally misregistering (see Fig. 6 and the description at Col. 9, line 52 to col. 12, line 35) at least one of said dot patterns with respect to at least one of said other of said patterns in directions only parallel to and perpendicular to said direction of motion to obtain a pattern misregistration (see Fig. 1, the patterns for yellow and cyan are misregistered with respect to the dot patterns of magenta and black); and

control apparatus for controlling said pattern misregistration (see Fig. 6 and the description at Col. 9, line 52 to col. 12, line 35) to obtain a particular misregistration having the property of said enhancing said color image (e.g. to suppress the occurrence of color moiré) while said particular misregistration is not perceptible to said viewer.

As to claim 43, Yoshida et al. teaches enhancing color uniformity of the image as perceived by a human viewer by intentionally misregistering the dot patterns.

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As to claim 45, Yoshida et al. teaches a cylindrical curved surface (the surface of platen 10 in Fig. 4)

As to claim 63, for the same reason Yoshida et al. discloses in a computer-controlled system for enhancing a color image as perceived by a human viewer, said image being composed of a plurality of superimposed dot patterns (see Fig. 1) upon a portion of a movable curved surface having two orthogonal spatial dimensions and having curvature in only one of said dimensions, the direction of motion of said surface being in said one of said dimensions (see Fig. 4) , each one of said patterns being monochromatic and different in color from color of each other of said patterns, said surface moving in a first direction parallel to said surface, a computer program product for use in said system (see, for example, Fig. 6 and the detailed description thereof at col. 6, line 50 to col. 12, line 35), said computer program product including a computer usable medium having computer readable program code thereon, said computer readable program code comprising:

program code for intentionally misregistering at least one of said dot patterns with respect to at least one of said other of said patterns in directions only parallel to and perpendicular to said direction of motion to obtain a pattern misregistration; and

program code for controlling said pattern misregistration to obtain a particular misregistration having the property of said enhancing said color image while said particular misregistration is not perceptible to said viewer.

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As to claim 66, Yoshida et al. teaches enhancing color uniformity of the image as perceived by a human viewer by intentionally misregistering the dot patterns.

As to claim 68, Yoshida et al. teaches a cylindrical curved surface (the surface of platen 10 in Fig. 4)

As to claim 86, Yoshida et al. discloses method for enhancing a color image as perceived by a human viewer, said image being composed of a plurality of superimposed dot patterns (see the upper portion of the figure) upon a portion of a movable curved surface having two orthogonal spatial dimensions and having curvature in only one of said dimensions (see Fig. 4; col. 7, lines 25-67), each one of said patterns being monochromatic and different in color from color of each other of said patterns (see Fig. 1), said method comprising:

intentionally misregistering (see Fig. 6 and the description at Col. 9, line 52 to col. 12, line 35) at least one of said dot patterns with respect to at least one of said other of said patterns in directions only parallel to and perpendicular to said direction of motion to obtain a pattern misregistration (see Fig. 1, the patterns for yellow and cyan are misregistered with respect to the dot patterns of magenta and black); and

controlling said pattern misregistration (see Fig. 6 and the description at Col. 9, line 52 to col. 12, line 35) to obtain a particular misregistration having the property of said enhancing said color image (e.g. to suppress the occurrence of color moiré) while said particular misregistration is not perceptible to said viewer.

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As to claim 89, Yoshida et al. teaches enhancing color uniformity of the image as perceived by a human viewer by intentionally misregistering the dot patterns.

As to claim 91, Yoshida et al. teaches a cylindrical curved surface (the surface of platen 10 in Fig. 4)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21, 44, 67, 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al.

Yoshida et al. discloses everything that is claimed except that it shows a cylindrical curved surface (platen roller 10 in fig. 4) instead of elliptical. However, it is submitted that changing the shape of the curved surface for supporting the recording medium from cylindrical to elliptical would have been found obvious absent persuasive evidence that an elliptical curved surface is significant. See *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary

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skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.)

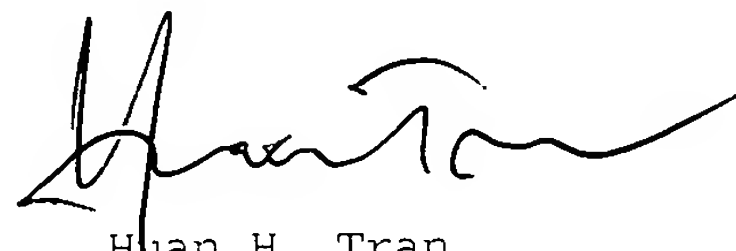
Allowable Subject Matter

10. Claims 18, 23, 41, 46, 64, 69, 87, 92 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on W-F from 6:30 to 5; T are telework days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Huan H. Tran
Primary Examiner
Art Unit 2861

hht

9/19/04